

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**LORENZO W. POWELL,**  
#1056946

Plaintiff,

V.

**STATE OF TEXAS, ET AL.,**

Defendant.

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Civil No. **3:23-CV-2742-L-BK**

**ORDER**

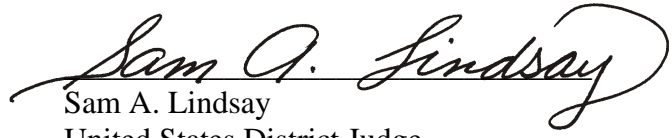
The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 4) was entered on January 29, 2024, recommending that Plaintiff’s Petition for Writ of Mandamus pursuant to 28 U.S.C. § 1651 (Doc. 3) should be dismissed without prejudice for lack of subject matter jurisdiction. Plaintiff did not file objections to the Report, and the time to do so has expired.

In the Petition, Plaintiff seeks for the court to compel the state court to produce copies of his trial records in Case No. F01-39888, pursuant to a writ of mandamus under the All Writs Act, 28 U.S.C. § 1651. The All Writs Act provides that federal courts “may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651. Federal courts, however, lack the general authority to issue writs of mandamus “to direct state courts and their judicial officers in the performance of their duties.” *Moye v. Clerk, DeKalb Cnty. Sup. Ct.*, 474 F.2d 1275, 1275-76 (5th Cir. 1973) (per curiam). The Report concludes that this action should be *sua sponte* dismissed without prejudice for lack of subject matter jurisdiction because the court lacks authority to compel the state court to act. Report 3.

In addition, the Report concludes that even if Plaintiff is moving pursuant to the federal mandamus statute, 28 U.S.C. § 1361, the court likewise lacks jurisdiction. Report 3. The federal mandamus statute provides “district courts [with] original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361. Section 1361 does not empower federal courts to compel state officers or state agencies to act. *See Moye*, 474 F.2d at 1275-76.

Having considered the Petition, Report, file, and record in this case, the court determines that the magistrate judge’s finding and conclusions in the Report are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action for lack of subject matter jurisdiction.

**It is so ordered** this 17th day of April, 2024.

  
Sam A. Lindsay  
United States District Judge